Mahomedan law, *wakf* property must be administered by a *khazi* recognised by the Government, or that the Government themselves should be the *khazi* in order that the existing disputes might be put an end to. It was pointed out that, in the interest of the Mahomedan inhabitants of the State, Government should undertake the necessary legislation whereby the extent of *wakf* property in each district might be ascertained by a committee of members elected by the people of the district. Those committees might examine and audit the accounts for each year and either the Devaswom Commissioner or the Dewan Peishkar or the District Judge might be entrusted with power to supervise the work of the committees within his jurisdiction. The Member added that, if the Government did not introduce the above measures, confusion and chaos would be the result.

The Member then observed that, in all important places like Kottar, Tengapattanam, Tittavilai, Alur and Thuckalai in South Travancore, disputes had arisen resulting in the closing of mosques. The Member concluded with a prayer that remedial measures might be adopted early in order to prevent such disputes.

President's reply.—Your representation is noted.

26. Suggestions for the better working of certain Regulations and Rules.

Mr. R. Dharmaraja Aiyar (Member, Municipal Council, Nagercoil) represented that, with a view to remove the difficulties experienced by the people in the working of the Land Conservancy Regulation and the rules thereunder, it was highly desirable that the rules should be made as definite as possible. The Member suggested the following modifications :—

(1) In levying assessments on Government lands the rates adopted for neighbouring lands at the last settlement should be applied, since the present rates were high.

(2) The prohibitory assessment imposed should not be a multiple of the ordinary assessment since in each case a heavy fine was also being imposed.

(3) In regard to the imposing of fines in cases where the occupation was objectionable, the practice varied with the nature of the officials, the time of making the order and the persons with whom the officials had to deal. The Member's suggestion to minimise the evil was that the fines imposed might bear a proportion to the assessment fixed and that the maximum amount of the fine should not exceed five times that amount.

(4) The assessment fixed on town lands was excessive and it should be lowered to the same level as that fixed on the neighbouring lands at the last settlement.

(5) In cases where the objection was found to be temporarily unobjectionable, the lands concerned should be leased on Kuthakapattam either for a definite period or without any time-limit. In such cases the rent for a year was fixed with reference to the value of the adjoining property and such rent ordinarily happened to be 4 or 5 times the prohibitory assessment that might be fixed. That worked great hardship. It should therefore be fixed with reference to the annual rent that might be received from the property.

(6) In cases where land had been occupied with the permission of the municipality, the Revenue Department took action under the Land Conservancy Regulation, and in cases where it had been occupied with the permission of the revenue authorities either on payment of *kuthakapattam* or prohibitory assessment, the municipality proceeded against the occupants. It was highly undesirable that a different department should take action against a person who had permission from one department.

Coming to the rules for the election of members to the Municipalities, the Sri Mulam Popular Assembly and the Legislative Council, the Member said that the main principle guiding the Electoral Rules was the safeguarding of the interests of minorities. Under the present rules each voter was allowed to give his votes to as many candidates as there were seats to be contested, which only resulted in the return of candidates representing majorities. Proportional representation by a single transferable vote was a method of election by which the interests of

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minorities might be safeguarded. Under that system a minority interest could also return a candidate of its own in proportion to its own strength at the poll. Under the present ballot vote system many votes were wasted. Though by resorting to the single transferable vote system the interests of minorities might be safeguarded, majorities might be under a disadvantage, since they might diffuse their votes on many candidates or concentrate them upon a few. To obviate that difficulty the Member suggested the further device of transferability being attached to the vote itself. Transfer could be automatically effected when there was a surplus vote of a successful candidate and when a candidate had no chance. Each voter had only one vote, but he was given the option of showing his preference in the same voting paper. That system not only safeguarded the interests of minorities but also avoided scope for parochial patriotism, and the introduction of it would tend to better co-operation on the part of the members. It was highly necessary that that system should be introduced in the Election Rules here as in those for the Council of State and the University of Madras.

The next point touched upon by the Member was the hardship caused to litigants on account of the delay in taking up small cause suits, original petitions executive proceedings, etc. He said that the Munsiffs were practically neglecting those items of their work and suggested the desirability of separate days being fixed for small cause suits, original petitions, execution cases, etc. The parties took undue advantage of the present rules under which courts refused to allow the agreed rate of interest on contracts and also interest exceeding half the principal in cases where such interest exceeded half the principal at the time of the institution of suits. It was very hard that the plaintiffs in such cases should be penalised for no fault of theirs and the Member suggested that the law in the matter be modified.

Originally, the small cause jurisdiction of Munsiffs extended to Rs. 30, which was subsequently raised to Rs. 100. But the rule regarding vakils' fee was not changed. Parties found it very difficult to conduct cases without vakils and they were put to unnecessary loss. So the rule regarding vakils' fees should be changed in view to their being awarded fees in small causes also.

The present practice of receiving the Sri Pandaravagai tax in kind before the 15th of the month when it was due and also of realising the same with demand notice fee after the 15th at the *nirak* rate worked hardship upon the people. It was very hard that the people were not allowed to pay, even before the 15th, at the *nirak* rate, the whole tax due for the year in advance, without any demand, when the authorities concerned were aware of the *nirak* rate. Government had been pleased to convert the paddy portion of the Sirkar kist into money and it was only fair that the Sri Pandaravagai tax should also be commuted into money, the rate being revised once in every three years. It was a common practice between landlords and tenants to fix money as rent instead of paddy, and the same procedure might be adopted by the Government also.

The Member complained that the present rule enforcing the payment of land tax in the *pakuthi* cutcherry itself was causing unnecessary loss and trouble to pattadars. At present pattadars had to remit land tax by Anchal money order or had to send it by their servants. Some pattadars who had to pay tax in different *pakuthies* found the present arrangement very inconvenient. The Member's suggestion was that arrangements might be made for the tax due being paid in any *pakuthi* cutcherry even without a demand notice, as such a course would remove the hardship now experienced.

In regard to the Nagercoil Panchayat Court, the Member submitted that, though its strength was 9, parties had to go away without their cases being taken up as there was no quorum. To obviate that difficulty the Member suggested the appointment of separate judges for civil work and criminal work. The Member also requested that election might be substituted in the place of nomination by Government, in which case only responsible persons might be returned as judges. As had been proposed in the case of the Village Panchayat Bill, either the Municipal Council itself or a standing committee thereof might be invested with civil and criminal functions.

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President's reply—With regard to the rates of assessment on *puduval* lands, the general rule is that such rates should ordinarily be fixed on the analogy of the rates for the adjoining registered lands of similar description. As regards *tharisu* lands, the general rule is that the *tharams* of assessment fixed for them at the settlement should be adopted ; but it is open to the Peishkars to fix any *tharam* higher than the settlement *tharam* which they consider suitable in any individual case. Rule 7 of the Revised Puduval Rules lays down that the assessment for lands shall be fixed with reference to the settlement *tharam* for the adjoining lands, and the rates of assessment on the taxable trees with due regard to the rates applicable to trees of similar description in the neighbourhood. These rules have been in force only for a short time and the working of these rules should be watched for some time more before action is taken to revise them.

As regards the levy of prohibitory assessment, the member observed that the rate should be the ordinary *tharam* assessment. If that should be so, the word "prohibitory" would be a misnomer. 'Prohibitory' indicates something by way of prohibition. The act of encroachment in a case where prohibitory assessment is levied is considered to be such as would conflict with public interests. In such cases the Government have taken care recently to revise the rules and lay down that such assessment should not exceed five times the ordinary *tharam* assessment.

Member.—Fines are being imposed and there is no necessity for levying prohibitory assessment also.

President.—Fine is for the offence. Prohibitory assessment has to be paid only as long as the occupation lasts and the assessment stops immediately the occupier vacates the encroachment. If the assessment fixed in any case is considered a grievance, the remedy therefor lies in the hands of the party himself.

With regard to *kuthakapattom* leases, the Member said that the rates should be fixed with reference to the annual rent the property would fetch. These *kuthakapattom* leases are of two kinds—leases for a definite period and leases without any limit of time. Leases of the former kind are sold in auction at an upset price equal to the existing lease amount and the procedure is governed by rule 8 of the *kuthakapattom* Rules. *Kuthakapattom* leases without limit of time relate to leases of trees on *poramboke* lands. The leases were given till recently on rents calculated at rates of assessment adopted at the settlement in the case of taxable trees and on fixed rents in the case of other trees. The question of revising these rates in the case of *kuthakapattom* leases without limit of time was considered at a conference presided over by the Dewan, and the view of the conference was that the rates for fruit trees should be enhanced, but that the trees yielding manure leaves should be exempt from any payment. In accordance with the opinion of the conference, the rents for the different kinds of trees were revised and fixed at certain rates for a period of ten years by Notification No. 11273/L. R., dated the 19th November, 1920. The working of the amended rules must be watched for some time before any further alterations are made.

The suggestions made by the Member with reference to the procedure to be adopted in connection with the elections to popular institutions will be duly considered.

With regard to the delays in the civil courts caused by frequent adjournments of cases, the High Court have been insisting upon the lower judiciary to deal with the work before them as expeditiously as possible ; and in the inspection reports of the High Court Judges, this point has been specially brought to the notice of the presiding officers. The High Court will see that, as far as possible, no delays are caused to the public except in unavoidable cases.

As regards judicial officers doing execution work in their chambers, I do not know whether it is resorted to largely. I however believe that it is resorted to in some cases, because I myself had occasion to see it and to condemn that procedure.

Then about the rate of interest to be awarded in suits for money and about the award of costs in small cause cases, as you yourself pointed out, they are governed by the provisions of the Regulations and the courts will have to follow them until the Regulations are amended.

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